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ORIGINAL

April 29, 1998

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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APR 29 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Docket No. 92-257
WJG MariTEL Corporation
Notice of Ex Parte Presentation

Dear Ms. Salas:

Enclosed are an original and one copy of a summary of an *ex parte* presentation made in connection with the above-referenced FCC rule making proceeding. 47 C.F.R. § 1.1206(b)(1) (1997).

On April 29, 1998, Russell Fox, on behalf of WJG MariTEL Corporation ("WJG"), and Mitchell Hauser of WJG, met with Paul E. Misener, Legal Adviser to Commissioner Harold Furchtgott-Roth, to discuss WJG's position with respect to regulatory issues raised in the above-referenced proceeding. A written summary of the matters discussed is attached.

Please direct any questions regarding this matter to this office.

Sincerely yours,



Elisabeth M. Washburn

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PRESENTATION OF WJG MariTEL
FEDERAL COMMUNICATIONS COMMISSION
APRIL 29, 1998
FCC DOCKET NO. 92-257

I. COMPANY AND INDUSTRY BACKGROUND

- A. MariTEL is the largest provider of VHF maritime services in the United States.
- B. VHF maritime services are the internationally recognized method by which boaters satisfy critical safety communications requirements.
 - 1. VHF maritime services provide access to the U.S. Coast Guard during emergencies.
 - 2. The Coast Guard relies upon VHF maritime service providers to transmit emergency information from boaters.
 - 3. For technological reasons, these services can not be provided by other wireless communications providers.
- C. MariTEL has expanded and improved service by securing additional channels from the FCC and purchasing existing VHF maritime service operations.

II. CURRENT REGULATORY BACKGROUND

- A. In 1992, the FCC initiated a long overdue rule making proceeding designed to overhaul the rules governing the maritime industry.
- B. Five years later, in June, 1997, the FCC proposed rules to auction all available VHF maritime spectrum in nine geographic regions.
- C. MariTEL supports the FCC's proposal and plans to participate in the auction to better serve the public.
- D. Concurrent with its proposal of auction rules, the FCC froze the acceptance of applications for new VHF maritime stations.
- E. The application freeze places a tremendous financial burden on MariTEL by limiting its ability to expand its operations. More importantly, the freeze puts boaters unnecessarily at risk.

III. THE PROBLEM

A. Because the FCC recognized the negative effect of the application freeze, in June, 1997 it committed to lift the freeze on March 17, 1998.

C. The lifting of the freeze was plainly intended to coincide with the adoption of regulations permitting the auction of public coast station spectrum.

D. Contrary to its June, 1997 commitment, the FCC failed to conclude its rule making proceeding by the anticipated March 17, 1998 deadline, delaying the auction schedule.

1. On March 17, 1998, the FCC announced that the application freeze would remain in effect until 60 days from the time that the rules in the Docket No. 92-257 proceeding become effective.

2. The FCC's announced auction schedule states that the VHF maritime service auction will occur during the fourth quarter, 1998. In light of the delay in the conclusion of the rule making proceeding, even this revised schedule seems optimistic.

3. The announced schedule would result in an application freeze of nearly 18 months. The possible auction delay beyond the fourth quarter would result in an even longer freeze.

C. The result is contrary to the public interest, which requires that emergency communications service be available immediately after auction rules are adopted.

IV. THEREFORE, THE FCC SHOULD IMMEDIATELY CONCLUDE THE PENDING RULE MAKING PROCEEDING AND ACCELERATE THE PLANNED AUCTION OF VHF MARITIME SPECTRUM

- A. Delay means that lives will be endangered. Unlike other wireless providers, VHF maritime licensees serve important public safety needs.
- B. MariTEL had been relying on the rules being in place by March, and the auction being conducted shortly thereafter in all of its business plans and projections.
- C. Because of the lack of significant industry controversy, there is no reason, other than administrative inattentiveness, that this proceeding is not yet concluded.
- D. In order for MariTEL and the rest of the maritime communications industry to survive, the FCC must adopt the rules in the time frame it originally announced, and proceed expeditiously with the maritime auction.
- E. The FCC should schedule the maritime auction immediately.
 - 1. There have been no serious objections to this auction to date.
 - 2. If an objection is raised after the adoption of a Report and Order in Docket No. 92-257, the auction can be postponed at that time.
 - 3. Because of the FCC's busy auction schedule, it is important for the FCC to set a time for the VHF maritime spectrum auction now.

V. THEREFORE, THE FCC SHOULD CONCLUDE THE PENDING RULE MAKING PROCEEDING AND IMMEDIATELY AND SCHEDULE THE VHF MARITIME SPECTRUM AUCTION TO BEGIN CONCURRENT WITH THE LIFTING OF THE APPLICATION FREEZE.

Congress of the United States
Washington, DC 20510

March 11, 1998

Honorable William E. Kennard
Federal Communications Commission
Washington, D.C. 20554

Dear Chairman Kennard:

We understand that you are considering a regulation to govern the auction of public coast station services spectrum. As a part of that process, the FCC froze the acceptance of new licence applications. Now we are told there is a further delay with the announcement that the auction will not begin until the end of 1998.

We hope you will start the auction as soon as the rules are final. I don't expect the auction will generate significant revenue, because the amount of the spectrum is small. In fact, because the public coast service is a declining industry, and the longer you delay, the lower the anticipated revenue will be.

Please let us know your intentions on the public coast station spectrum, because it provides critical emergency and related communications capabilities to the Coast Guard and the boating public.

Sincerely,



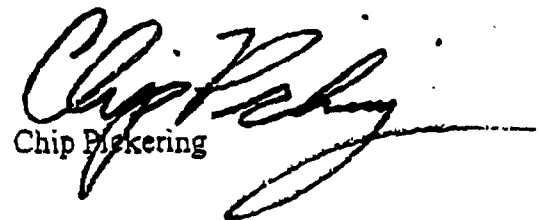
Trent Lott



John Breau



Ernst Hollings



Chip Pickering



Congress of the United States
Washington, DC 20515

March 25, 1998

The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20544

Dear Chairman Kennard,

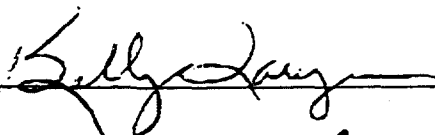
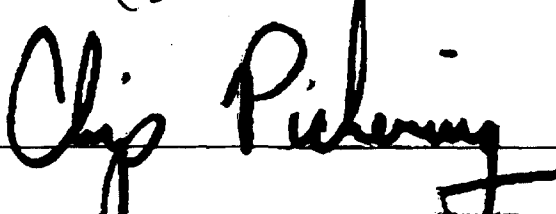
It is our understanding that the FCC is in the process of considering new regulations that will govern an auction of maritime communications spectrum. As part of the process, the FCC froze, as of June, 1997, the acceptance of applications for new maritime communication station licenses. Apparently, the FCC will not conclude the rule making proceeding necessary to conduct the auction by March, 1998, as originally anticipated. The FCC also announced that the auction of maritime communications spectrum will not begin until the fourth quarter of 1998. This is deeply troubling and we urge the Commission to correct the delay.

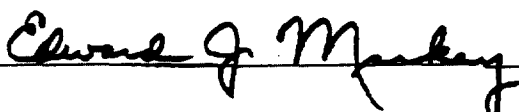
Because the amount of spectrum that will be auctioned in the maritime communications service is small, the auction is not expected to generate significant revenue. Therefore, holding this auction will have a *de minimus* affect on anticipated revenues. In fact, because the provision of maritime communications service is a declining industry, the longer the FCC delays the auction for public coast station spectrum, the lower the anticipated auction prices will be.

Finally, and more importantly, because of the critical public safety communication services that are provided by maritime communications operators to the Coast Guard and the boating public, the FCC should immediately conclude the pending rule-making proceeding and schedule the maritime spectrum auction for the third quarter of this year.

For the public interest, public safety and to see a build out of a maritime communications network, we ask that you move as quickly as possible. We appreciate your consideration of this matter.

Sincerely,



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CHIP PICKERING
30 DISTRICT, MISSISSIPPI

Congress of the United States
House of Representatives
Washington, DC 20515-2403

February 10, 1998

The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Chairman Kennard:

A Mississippi company, WJG MariTEL Corporation, is a leading provider of public coast station services in the country, providing critical emergency and other related communication capabilities to the boating public. MariTEL and other public coast station operators work closely with the U.S. Coast Guard to offer this most important service.

It is my understanding that the FCC is in the process of considering new regulations, scheduled to be adopted in March, 1998, that will govern an auction of public coast station spectrum. As a part of that process, the FCC froze the acceptance of applications for new public coast station licenses. However, the FCC has announced that the auction of the public coast station spectrum will not begin until the fourth quarter of 1998.

Because the amount of spectrum that will be auctioned in the public coast service is small, the auction is not expected to generate significant revenue. Therefore, holding this auction will have a *de minimus* affect on anticipated revenues. In fact, because the public coast service is a declining industry, the longer the FCC delays the auction for the public coast station spectrum, the lower the anticipated auction prices will be. Finally, and more importantly, because of the critical public safety communications services that are provided by public coast station operators to the Coast Guard and the boating public, the FCC should retain the licensing freeze as briefly as possible. I believe in the best interests of public safety and public access, the FCC should commence the auction as soon as the rules, scheduled to be adopted in March, are final.

I appreciate your consideration of this matter and request that you notify me of your intended auction date for the public coast station spectrum.

Sincerely yours,


Chip Pickering

CWP:mc

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INFRASTRUCTURE
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AVIATION
AGRICULTURE
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